

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE - NE/4 York Road, 1515 1/2 SE of the c/l of Croftley Road (1517 York Road) 8th Election District 4th Councilmanic District

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 89-208-XA

J & D Enterprises, Inc. Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception to approve a Class B office building on the subject property in an R.O. zone; and variances to permit nine (9) existing parking spaces, four of which are located in the front yard, in lieu of the required 10 spaces; a minimum side yard setback of 9.5 feet in lieu of the required 10 feet; an existing AOS of 0% in lieu of the required 7% within the interior of the parking lot; an existing landscape buffer of 0 feet between the R.O. use and the adjacent residential zone or use in lieu of the required 20 feet; an existing landscape buffer of 0 feet between the R.O. use and adjacent non-residential property in lieu of the required 10 feet; an existing freestanding sign of 12.63 sq.ft. per side located along a principal arterial but with an adjacent residential property to the north; and a floor area ratio of 0.378 in lieu of the maximum permitted 0.33, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Donald S. Diffenderfer and James Wiedefeld, Jr., appeared, testified and were represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petitions were Robert Morelock, a registered professional landscape architect with William F. Kirwin, Inc., and Charles Vaughan Phippen, Architect. The following individuals appeared

as Protestants: A. Kenneth Hutcherson, S. Locke Thomson, III and Kathy Thomson, Mrs. Kenneth Klüber, and Edward A. Cockey.

Testimony indicated that the subject property, known as 1517 York Road, consists of 0.215 acres more or less split zoned R.O. and D.R. 5.5, and is improved with a Class A office building presently used for the operation of Nationwide Pest Control, Inc. Petitioners propose converting the existing structure to a Class B office building in accordance with that depicted in Petitioner's Exhibit 4. The existing building will not be razed but rather a second floor will be added. The second story addition will allow for additional office space and conference room facilities. Testimony indicated that the property on both sides of the subject site are used as office space; 1515 York Road is improved with a Class B office building and 1519 York Road is improved with a Class A office building. None of the office uses for the subject property will exist in the D.R. 5.5 zoned portion of the site. Currently, there are nine parking spaces provided between the parking areas in both the front and rear of the site. While the parking lots will not be expanded, the parking area in the front will be altered somewhat to accommodate the landscaping requirements of the Office of Planning. Testimony indicated that all of the variances being requested are for existing improvements and conditions of the subject property and are not as a result of the proposed conversion. This project received C.R.G. approval on October 27, 1988.

Mr. Diffenderfer testified he has been in the pest control business for 13 years and has operated his business offices from the subject location for the past 4 years. He testified his business has outgrown the available space on site and needs the proposed addition. Mr. Diffenderfer testified extensively as to the need for the proposed improvements and

indicated the existing facility lacks appropriate office space for his staff and that he has no proper conference room areas or training facilities on site. He testified that the office building is used strictly for the administrative end of his business and that none of the chemicals or supplies used in the operation of his business are stored on site or distributed from the subject location. Further testimony indicated employees only come to the site to obtain orders and directions, that they do not all meet at the site at any one time, nor do they create any parking problems on site due to the infrequency of common meetings. Mr. Diffenderfer also testified that most of their solicitation for business is done by telephone and that very few customers ever come to the site. Therefore the demand for customer parking on site is very low.

Mr. Morelock testified as to the requirements of Sections 502.1 and 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and indicated the proposed project will meet the conditions set forth therein. He further testified as to the factors necessitating the requested variances and explained the locations of the variances as set forth in Petitioner's Exhibit 1. Mr. Morelock testified that storm water runoff from this project will not change in volume or scope as a result of the proposed improvements since there will be no change in the area of impervious surface. Mr. Phippen similarly testified to the soundness of the design of the proposed improvements and indicated that in his opinion the proposed development has been designed in a manner that will maintain the residential look of the subject site consistent with other properties in the vicinity which have been converted to office use.

There was a great deal of testimony regarding the shared access between the subject property and 1515 York Road. Testimony indicated the

desirability of having one driveway which created a wider access for both buildings. As a result, the Petitioners were unable to place appropriate planting strips and meet setback requirements along the common boundary.

The Protestants' concerns were primarily with regard to storm water runoff which they believe has been caused by all of the development in this general vicinity of York Road. More specifically, they believe the further development of this site as proposed and paving of additional parking areas will lead to more storm water runoff. There was also a great deal of testimony concerning parking problems for the residential property owners along Courtleigh and Thornhill Roads immediately to the north, east and south of the subject property. They believe the parking problems have been generated by commercial development in this area.

There was some contradiction concerning the number of cars using the parking lot on a regular basis. The Protestants disagree with the proposed development. They believe it will tend to overcrowd the property. Mr. Thomas, president of the local homeowners association, testified to the fact that the R.O. zone was originally created for small business uses in residential zones and that as businesses grow larger they should move to other more appropriate zones.

The Office of Planning and Zoning, by its Deputy Director, Pat Keller, has determined that "[i]t will serve no additional purpose to require that this project be resubmitted to CRG through the denial of the special exception." Mr. Keller has made it very clear that the issues of plan revision and stormwater management have been reviewed at great length. The project was heard and approved by CRG on October 27, 1988.

It is clear that the B.C.Z.R. permits the use proposed in a R.O. zone by special exception. It is equally clear that the proposed use

would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

While the issues raised by the Protestants relative to parking, storm water management, and overcrowding of the land are legitimate concerns, in the opinion of the Zoning Commissioner, there is no evidence that the requested second floor addition to the existing building will further aggravate these existing problems, if in truth, these problems are even caused by this property. There is no evidence that there will be any greater storm water runoff from the subject property as a result of the proposed improvements. There is no evidence that granting the use proposed by this particular owner for this particular business operation will

result in an overcrowding of the land given the type of business (very few drive-in customers) and the number of employees currently working at the site, which is presently less than six. Therefore, the relief requested in the Petition for Special Exception should be granted with restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

Most of the variances requested are necessary for the existing structure and not as a result of the proposed improvements. The subject property is already developed with a Class A office building and as a result, the parking areas and setbacks are determined by the existing structure. There is not enough land on the site to provide the required side yard setbacks. The variances from the required 7% amenity open space within the interior parking lot and landscape buffers are necessary due to the existing site constraints and not caused by the proposed development. The proposed addition will result in the loss of one parking space and an

increase of .048% in the floor area ratio. In the opinion of the Zoning Commissioner, these are small variances which will not result in any detriment to the health, safety or general welfare of the public and will not be contrary to the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception and variances should be granted.

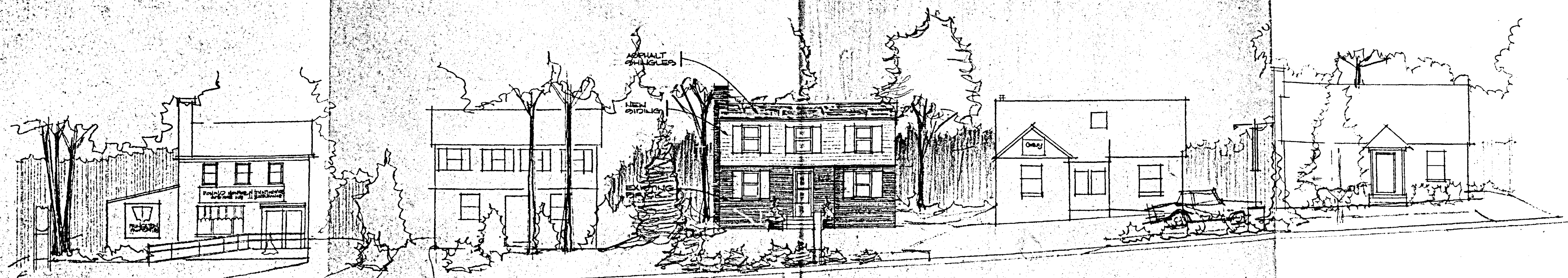
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petitions for Special Exception and Zoning Variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of March, 1989 that the Petition for Special Exception to approve a Class B office building on the subject property in an R.O. zone; and the Petition for Zoning Variance to permit nine (9) existing parking spaces, four of which are located in the front yard, in lieu of the required 10 spaces; a minimum side yard setback of 9.5 feet in lieu of the required 10 feet; an existing A.O.S. of 0% in lieu of the required 7% within the interior of the parking lot; an existing landscape buffer of 0 feet between the R.O. use and the adjacent residential zone or use in lieu of the required 20 feet; an existing landscape buffer of 0 feet between the R.O. use and adjacent non-residential property in lieu of the required 10 feet; an existing freestanding sign of 12.63 sq.ft. per side located along a principal arterial but with an adjacent residential property to the north; and a floor area ratio of 0.378 in lieu of the maximum permitted 0.33, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; howev-

er, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

- 2) The special exception and variances granted herein are limited to the Petitioner. In the event the subject property is sold or is no longer used for the operation of Nationwide Pest Control, Inc., a Petition for Special Hearing must be filed to determine the appropriateness of any new use of the subject property for a Class B office building.
- 3) The Class B office building shall be limited and restricted to use by Nationwide Pest Control, Inc.
- 4) There shall be no exterior lighting on the subject property, except for the front of the building and the existing street sign.
- 5) The existing freestanding sign, which presently contains 12.63 sq.ft. per side, shall not be enlarged and shall not be internally illuminated.
- 6) The storage shed existing in the D.R. 5.5 zoned portion of the subject property, as shown in Petitioner's Exhibit 3K, shall be removed by July 1, 1989.
- 7) Petitioners shall landscape the D.R. 5.5 zoned portion of the subject property with a type of vegetation to be determined by the Baltimore County Landscape Planner. The purpose of the vegetation is to provide additional buffering and screening. Petitioners shall prepare a landscape plan incorporating this restriction for review and approval by the County Landscape Planner by no later than August 31, 1989. A copy of the approved plan shall be submitted to the Zoning Commissioner for inclusion in the case file.
- 8) Petitioners shall comply with the requirements of the Zoning Plans Advisory Committee as set forth in their comments submitted hereto which have been adopted in their entirety and made a part of this Order.
- 9) Petitioners shall comply with the requirements of the Office of Planning and Zoning as set forth in their comments dated February 2, 1989, attached hereto and made a part hereto.



1521

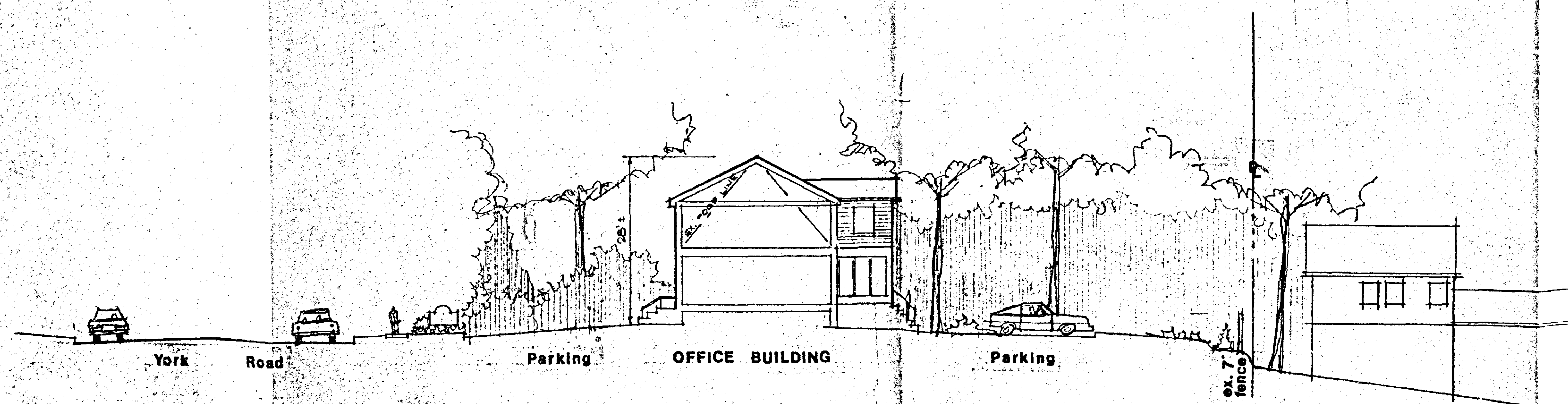
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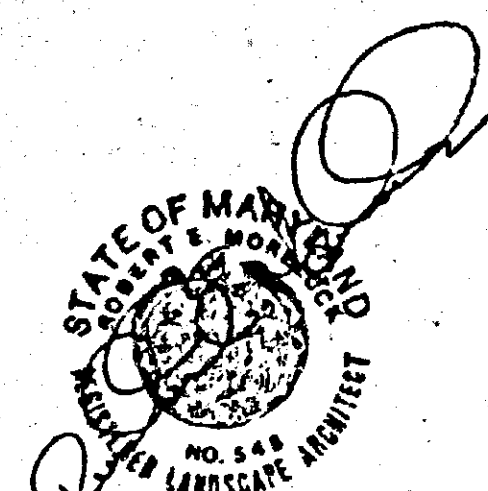
1513

FRONT ELEVATION



SECTION - THRU SITE LOOKING NORTH

PETITIONER'S
EXHIBIT 4



OFFICES FOR J&D ENTERPRISES, INC.
1517 YORK ROAD, LUTHERVILLE, MD. 21093

J & D ENTERPRISES
1517 YORK ROAD
LUTHERVILLE, MARYLAND 21093
301-296-5040

October 8, 1990

RECEIVED
OCT 9 1990

ZONING OFFICE

The Honorable J. Robert Haines, Esquire
Zoning Commissioner for Baltimore County
Zoning Commissioner's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case # 89-208-XA

Dear Commissioner Haines:

On March 29, 1989, we appeared before you requesting a Special Exception and Zoning Variance (case #89-208-XA) for our property located at 1517 York Road, Lutherville, MD 21093.

One portion of your decision required us to remove a ten foot by ten foot wooden shed, that had been previously approved by Baltimore County, from the rear portion of our property.

At that time, our attorney Newton Williams sent you a letter requesting reconsideration of that portion of your findings, so as to allow us to maintain this most necessary shed. The shed is attractive and unobtrusive and is utilized to store our lawn mower, weed eater grass trimmer and snow removal equipment, all of which is necessary to maintain out property. We can not store this type of equipment in our building as it is a Fire Department violation to store gasoline powered equipment within our office space.

To remove this shed would be an extreme hardship and I would appreciate you advising me of the steps that I must take to have this matter reconsidered.

For your review, I have attached a copy of the letter sent to you by Newton Williams at the time of the Zoning decision.

I appreciate your consideration of and response to this matter.

Sincerely,

Donald S. Diffenderffer

Donald S. Diffenderffer
J & D Enterprises

RECEIVED
OCT 9 1990

ZONING OFFICE

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM F. ENGLEHART, JR.
STEPHEN J. MCAN
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
LOUIS G. CLOSE, III
ROBERT C. BANNIETTIS*
THOMAS K. ALDERMAN
KERA L. KOSTUN

*ALSO ADMITTED IN D.C.
*ADMITTED TO TEXAS BAR ONLY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 1105, HAMPTON PLAZA
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3095
(301) 823-7800
TELEFAX (301) 298-2765

April 5, 1989

J. EARLE PLUMHOFF
(1940-1988)
JAMES D. NOLAN
(RETIRED, 1980)
OF COUNSEL
RALPH E. GEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

The Honorable J. Robert Haines, Esquire
Zoning Commissioner for Baltimore County
Zoning Commissioner's Office
County Office Building
Towson, Maryland 21204

Dear Commissioner Haines:

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
NE/S York Road, 155'+/-SE of the c/l of Croftley Road
(1517 York Road)
8th Election District - 4th Councilmanic District
J & D Enterprises, Inc. - Petitioners
Case No.: 89-208-XA

Thank you very much for your letter and Opinion and Order of March 29, 1989, granting the requested variances and Class B Modification for 1517 York Road.

My client has asked that I raise one small point with you, namely, the fact that he was told when he applied for permission at Baltimore County to place a small accessory shed in the back yard, he was told it was permissible provided it was not over 10' X 10', and he purposely kept it less than that size.

It would be greatly appreciated if you would consider this one point, and if indeed it is permissible to have such a storage shed at the rear, Mr. Diffenderffer would very much appreciate the ability to do so.

As you will recall from the testimony, and the photographs, Mr. Diffenderffer keeps a very neat and orderly property, keeps no insecticides in the shed, but does keep tires and things of that nature for the various vehicles used in the business.

Commissioner Haines
Page Two
April 5, 1989

Thanking you once again for the favorable decision, and asking for clarification on this one point, I am -

Respectfully,

Newton A. Williams

NAW/psk

Enclosure

cc: Mr. Donald Diffenderffer
Mr. Robert Morelock
Charles Vaughn Pippen, A.I.A.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 10, 1990



Dennis F. Rasmussen
County Executive

Mr. Donald S. Diffenderffer
J & D Enterprises
1517 York Road
Lutherville, Maryland 21093

RE: 89-208-XA

Dear Mr. Diffenderffer:

I am in receipt of your letter dated October 8, 1990 with attachments. Please be advised that the Order in your case is binding upon you and that if you wish to retain the storage shed you would be required to file for a new hearing to amend the previous case. Please understand that as a matter of law I cannot unilaterally amend your case after the thirty day waiting period has run.

I strongly recommend that you contact your attorney and have him file a Petition for Special Hearing to amend the relief.

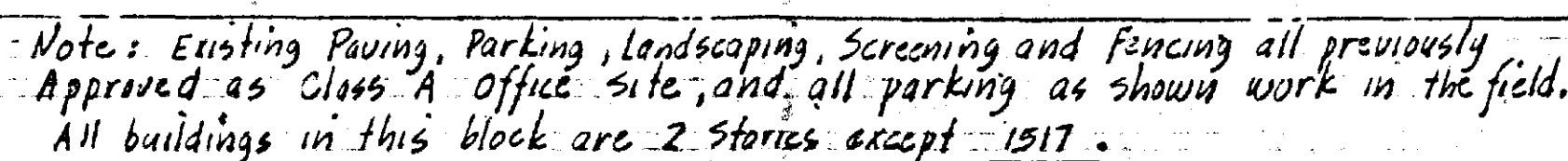
Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm

- ### NOTHING REQUESTED
1. PETITION FOR SPECIAL EXEMPTION to permit a "Class B" office building in an R9 zone as allowed by section 203.1.3.2(A).
 2. PETITION FOR VARIANCE from Section 203.3.2.C (and by reference, Section 409.6) to permit nine (9) existing parking spaces, four of which are located in the front yard, in lieu of the required (10) spaces.
 3. PETITION FOR VARIANCE from Section 203.3.4.C to permit a minimum side yard setback of 9.5 feet in lieu of the required 10 feet.
 4. PETITION FOR VARIANCE from Section 203.4.6.C to permit an existing 8.8% grade of zero (0) feet between the seven percent (7%) required within the interior of the parking lot.
 5. PETITION FOR VARIANCE from Section 203.4.8.C.6.1 to permit an existing landscape buffer of zero (0) feet between the R9 use and the adjacent residential zone or use in lieu of the required twenty (20) feet.
 6. PETITION FOR VARIANCE from Section 203.4.8.C.8.3 to permit an existing landscape buffer of zero (0) feet between the R9 use and adjacent non-residential property in lieu of the required ten (10) feet.
 7. PETITION FOR VARIANCE from Section 203.3.1 to permit an existing free-standing sign containing two sides of 12.61 square feet each, located along a principal arterial but with an adjacent residential property in the rear.
 8. PETITION FOR VARIANCE from Section 203.4.1 to permit a floor area ratio of 0.378 in lieu of the permitted 0.33.

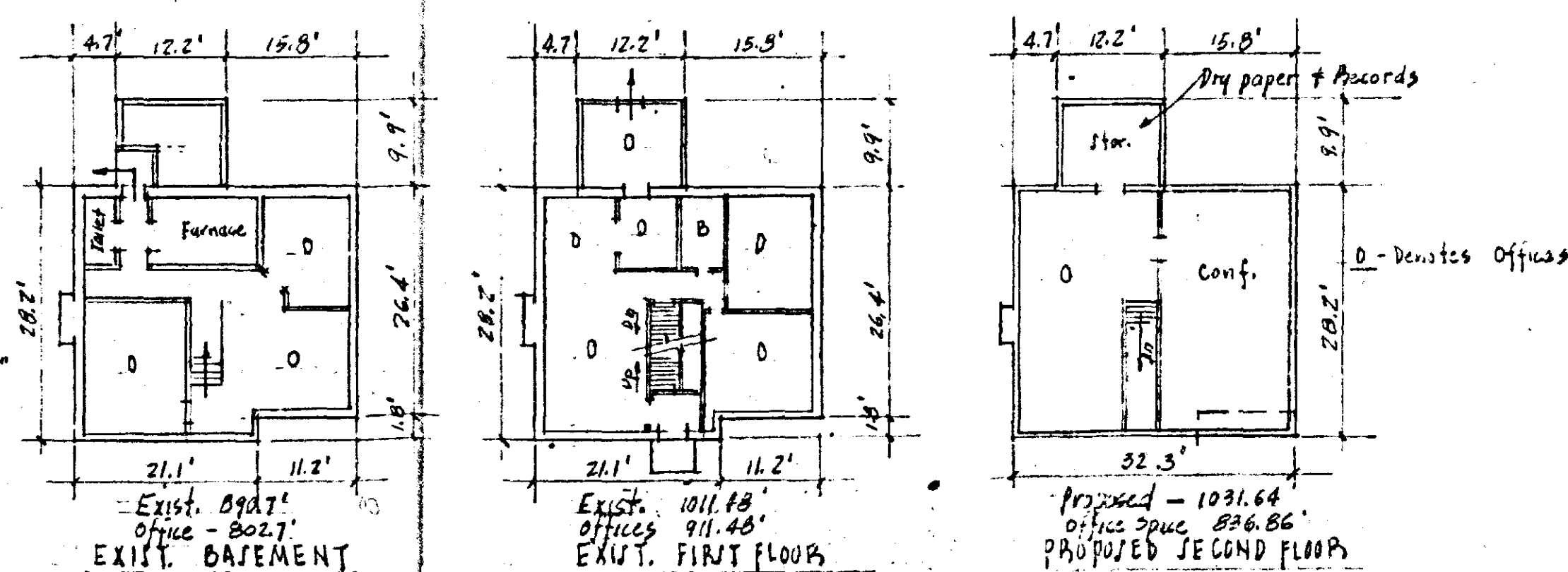
Hand-drawn elevation drawing of a monument. The drawing shows a rectangular base with a semi-circular top. Dimensions are indicated with arrows and text:

- Top width: 7"
- Top height: 12"
- Base width: 4' 0" ±
- Base height: 2' 3 1/2"
- Label on the right: rec Photo
- Label at the bottom right: 6" x 6" posts
- Label at the bottom right: Grade
- Label at the bottom left: Externally Illuminated
- Bottom dimension: 11' 1 1/2" ±



Waiver - W-05-48 June 19, 1985

C.E. JULIO ET AL
EXISTING SHOPPING CENTER —
ZONE: BL



A hand-drawn map of the area around the intersection of York Road and Seminway Ave. The map shows several streets: McIntosh Rd. (curved), Bedworth Rd. (curved), Hewitt Rd. (curved), Croftley Acid (straight), Thornhill Road (straight), Seminway Ave. (straight), York Road (horizontal), Belloma Ave. (diagonal), and Norman Ave. (diagonal). A small building is marked at the intersection of York Road and Croftley Acid.

VICINITY MAP Scale 1"=1000'

OFFICES FOR J. & D. ENTERPRISES, INC.
1517 YORK ROAD, LUTHERVILLE, MD. 21093

DEVELOPMENT NAME

J. & D. ENTERPRISES, INC.
C/O DONALD DIFFENDERFER 296-5040
1517 YORK ROAD, LUTHERVILLE, MD. 21093

APPLICANT

J. & D. ENTERPRISES, INC.
1517 YORK ROAD, LUTHERVILLE, MD. 21093

OWNER

SITE PLAN FOR C.B.G., SPECIAL
EXCEPTION FOR CLASS 3 OFFICE
BUILDING AND VARIANCES

TITLE

CHARLES VAUGHAN PIPPEN
Architect, P.A.
2205 POT SPRING AVE
TIMONIUM MARYLAND 21093
301- 252-6420

OFFICES FOR J. & D. ENTERPRISES, INC.
1517 YORK ROAD, LUTHERVILLE, MD. 21093

DWS. NO.
1
Date
May 25, 1988

REV. 8-31-88
REV. 12-6-88

- 10) The final development of the subject property shall be consistent with the artistic rendering presented in Petitioner's Exhibit 4.
- 11) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 203.3.C.2 (and by reference, Section 409.6) to permit nine (9) existing parking spaces, four of which are located in the front yard, in lieu of the required (10) spaces; from Section 203.4.C.4 to permit a minimum side yard setback of 9.5 feet in lieu of the required 10 feet; (Over - See Attached Sheet) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. As to the A.O.S., the site is an existing, approved Class "A" office site with parking as shown on the site plan. The D.R. zoned portion of the lot is an amenity, but cannot be utilized toward the requirement.
2. The existing freestanding, low sign is in good taste, and fits in with the commercial character of the area.
3. The existing parking layout and setbacks work properly in the field, and cannot be altered without further loss of parking and maneuvering areas.
4. That the requested variances are in harmony with the spirit and intent of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
Newton A. Williams, Esquire
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of October, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of December, 1989, at 9 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a "Class B" office building in an RD Zone as allowed by Section 203.3.B.2(A).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
Newton A. Williams, Esquire
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of January, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of February, 1989, at 9:30 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

WFK WILLIAM F. KIRWIN, INC.

Zoning Description

J & D ENTERPRISES, INC. PROPERTY
1517 York Rd, Lutherville, Md.

August 29, 1988

Beginning from the same at a point on the northeast line of an existing 66 foot wide right-of-way for York Road, Maryland Route 45, said beginning point lying 155 feet more or less measured southeasterly from the intersection of said right-of-way line with the centerline of existing Croftley Road, said point of beginning having the following approximate coordinates based on the Baltimore County grid system, viz: North 45.243 and West 397; thence leaving said northeast right-of-way line and running the following three courses and distances, viz: 1) North 73 degrees 45 minutes East, 150.0 feet; 2) South 16 degrees 15 minutes East, 52.0 feet; and 3) South 73 degrees 45 minutes West, 150.0 feet to intersect the aforementioned existing northeast right-of-way line of York Road, thence running with and binding upon said right-of-way line 4) North 16 degrees 15 minutes West, 52.0 feet to the point of beginning.

Containing 0.179 acres more or less and lying within the Eighth Election District of Baltimore County, Maryland



PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 203.3.C.2 (and by reference, Section 409.6) to permit nine (9) existing parking spaces, four of which are located in the front yard, in lieu of the required (10) spaces; from Section 203.4.C.4 to permit a minimum side yard setback of 9.5 feet in lieu of the required 10 feet; (Over - See Attached Sheet) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. The entire site is an existing "Class A" R.O. Site, with a proposed minor raising of the roof for an enlarged second floor.
2. The common parking area and common entrance with #1515 York Road, a similar R.O., Class B Office to the south, is existing.
3. Landscaping exists across the rear and will be added to the north side.
4. This is an existing approved site which cannot as a practical matter be made to meet all the new R.O. requirements, and without the requested variances, the Petitioners will continue to sustain practical variances.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
Newton A. Williams, Esquire
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of January, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of February, 1989, at 9:30 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

PETITIONER(S) EXHIBIT (2)



1983 front view before converted to offices

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 19, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 19, 1989.

THE JEFFERSONIAN
TOWSON TIMES

L. Zake Orlov
Publisher

PO 08991
M25176
case 89-208-XA
price \$147.70

PETITION FOR ZONING VARIANCE

(continued)

PETITION FOR VARIANCE from Section 203.4.C.6 to permit an existing A.O.S. of zero percent (0%) in lieu of the seven percent (7%) required within the interior of the parking lot; from Section 203.4.C.8.c.1 to permit an existing landscape buffer of zero (0) feet between the RD use and the adjacent residential zone or use in lieu of the required twenty (20) feet; from Section 203.4.C.8.c.2 to permit an existing landscape buffer of zero (0) feet between the RD use and adjacent non-residential property in lieu of the required ten (10) feet; from Section 203.3.C.1 to permit an existing free-standing sign containing two sides of 12.63 square feet each, located along a principal arterial but with an adjacent residential property to the north; from Section 203.4.C.1 to permit a floor area ratio of 0.378 in lieu of the permitted 0.33.

4. ...difficulty and unreasonable hardship, and the requested variances to improve the present site are in harmony with the spirit and intent of the Regulations.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

District: 88 Date of Posting: 1/18/89
Posted for: Special Exception & Variance
Petitioner: J & D Enterprises, Inc.
Location of property: 1517 York Rd, Lutherville, Md.
Location of Sign: 1517 York Rd, Lutherville, Md.
Remarks: Property of J & D Enterprises, Inc.
Posted by: J. Robert Haines
Number of Signs: 3

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3535
J. Robert Haines
Zoning Commissioner

March 15, 1989

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
Suite 1105 Hampton Plaza
300 E. Joppa Road
Towson, Maryland 21204

RE: Petitions for Special Exception and Variance
NR/5 York Road, 155' +/- SE of the c/l of Croftley Road
(1517 York Road)
8th Election District - 4th Councilmanic District
J & D Enterprises, Inc. - Petitioners
Case No. 89-208-XA

Dear Mr. Williams:

Referencing your correspondence dated February 9, 1989 on the above-captioned matter, you indicated the possibility that the Petitioners' need for a variance from the floor area ratio required might be resolved and as such, would be dismissed.

In the meantime, I have completed my analysis of the testimony and evidence presented at the public hearing held on February 12, 1989, and am prepared to render a decision. Please advise me at your earliest convenience as to the status of the floor area ratio issue.

Thank you for your attention in this matter.

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs
cc: File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

J & D Enterprises, Inc.
1517 York Road
Lutherville, Maryland 21093

ATTN: MR. DONALD DIFFENDERFER

Re: Petitions for Zoning Variance and Special Exception
CASE NUMBER: 89-208-XA
NE/S York Road, 155' SE c/l Croftley Road
(1517 York Road)
8th Election District - 4th Councilmanic
Petitioner(s): J & D Enterprises, Inc.
HEARING SCHEDULED: FRIDAY, FEB. 3, 1989 at 9:30 a.m.

Gentlemen:

Please be advised that \$319.35 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 (fifteen (15) minutes before the hearing).

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 065055

DATE: 2/3/89 ACCOUNT: RA-615-000

AMOUNT: 319.35

RECEIVED FROM: J & D Enterprises

FOR: P & A

B CDS ***** 89-208-XA

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

January 10, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Exception and Zoning Variance
CASE NUMBER: 89-208-XA
NE/S York Road, 155' SE c/l Croftley Road
(1517 York Road)
8th Election District - 4th Councilmanic
Petitioner(s): J & D Enterprises, Inc.
HEARING SCHEDULED: FRIDAY, FEBRUARY 3, 1989 at 9:30 a.m.

Special Exceptions: A Class B office building in an RO zone as allowed by §203.3.B(4).

Variance to permit nine existing parking spaces, four of which are located in the front yard, in lieu of the required ten spaces; to permit a minimum side yard setback of 9.5 ft. in lieu of the required 10 ft.; to permit an existing A.O.S. of zero percent in lieu of the seven percent required within the interior of the parking lot; to permit an existing landscape buffer of zero ft. between the RO use and the adjacent residential zone or use in lieu of the required twenty ft.; to permit an existing landscape buffer of zero ft. between the RO use and adjacent non-residential property in lieu of the required ten ft.; to permit an existing free-standing sign containing two sides of 12.63 sq. ft. each, located along a principal arterial but with an adjacent residential property to the north; to permit a floor area ratio of 0.379 in lieu of the permitted 0.33.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: J & D Enterprises, Inc.
Newton A. Williams, Esq.
File

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE : OF BALTIMORE COUNTY
NE/S York Rd., 155' SE c/l :
Croftley Rd. (1517 York Rd.) :
8th Election District :
3rd Councilmanic District :
J & D ENTERPRISES, INC., : Case No. 89-208-XA
Petitioner :
: : : : :
: : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 25th day of November, 1988, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plumbhoff & Williams, 1105 Hampton Plaza, 300 E. Joppa Rd., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

November 3, 1988

Re: POSTPONEMENT REQUEST

Dear Sir:

This to acknowledge receipt of your postponement request regarding the following petition:

Case number: 89-208-XA
Petitioner(s): J & D Enterprises, Inc.
Location: NE/S York Road, 155' SE c/l Croftley Road
1517 York Road

Please be advised that your request [X] will [] will not be granted, and as such, the case [] will [X] will not proceed on the assigned date of December 8, 1988.

Where applicable, you will be timely notified of the new hearing date.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: ZONING OFFICE

DATE: 10/27/88
(Continued from 6/30/88)

PROJECT NAME: J&D Enterprises
1517 York Road

PLAN: 5/25/88, 8/19/88,
9/8/88

LOCATION: NE/S York Road between
Thornhill & Croftley Roads

* no revised plan received
REV.: REV.:

DISTRICT: Bc4

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CRG
APPROVAL, BUT MUST BE ADDRESSED
PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

- A special exception for a Class "B" office building (addition to a Class "A") has been applied for in the zoning office on 6/8/88 under item #440 (1987). The following variances were also requested:
 - From Section 203.4 to permit an existing A.O.S. of zero percent (0%) in lieu of the required twenty-five percent (25%).
 - From Section 203.3.C to permit a free standing, double faced, externally illuminated sign of 25.25 square feet in lieu of the allowed 8 square feet non-illuminated sign attached to the building.
 - From Section 409.8A.4 to permit existing parking one (1) foot from the future proposed street right-of-way in lieu of the required ten (10) feet.
 - From Section 409.6 to permit nine (9) existing parking spaces in lieu of the required ten (10) spaces.

2. Notwithstanding any C.R.G. approvals, County Council Bill # 151-88 will become effective November 27, 1988, prior to the zoning hearing, therefore, the zoning petition must address the requirements of that Bill (changes to the R.O. zone). The conflicts must also be addressed on the zoning petition plans which must be revised accordingly. Specifically address the new requirements in Sections:

203.3.C.1
203.3.C.2
203.4.C.4
203.4.C.6
203.4.C.8.c.1
203.4.C.8.c.2

- Final zoning approval would be contingent upon the outcome of the public hearing and the resolution of all comments.

W. CARL RICHARDS JR.
Zoning Coordinator

WFK WILLIAM F. KIRWIN, INC.

28 E. Susquehanna Avenue Towson, MD 21204 Phone 301/337-0075

October 27, 1988

Re: J&D Enterprises Property
1517 York Road

Mr. W. Carl Richards, Jr.
Baltimore County Zoning Office
111 W. Chesapeake Avenue
Towson, Md. 21204

Dear Carl:

Pursuant to your comments regarding the revised CRG plan for the subject property and the required zoning petitions, we have drafted the verbiage for the revised petitions to bring them into compliance with Bill # 151-88. So that we may revise the site plan correctly the first time, please review the following drafts:

- PETITION FOR SPECIAL EXCEPTION to permit a "Class B" office building in an RO Zone as allowed by Section 203.3.B.2(A).

The following variance items are listed in the order in which you listed them in your comments of 10/27/88.

- A variance petition should no longer be required for the existing sign since it is located on a principal arterial with non-residential adjacent uses, and the sign contains 25.25 total square feet divided equally among two sides of 12.63 square feet each. This is under the 15 square feet per side allowed by Section 203.3.C.1.

- PETITION FOR VARIANCE from Section 203.C.2 (and by reference, Section 409.6) to permit nine (9) existing parking spaces in lieu of the required (10) spaces.

- PETITION FOR VARIANCE from Section 203.4.C.4 to permit a minimum side yard setback of 9.5 feet in lieu of the required 10 feet.

(This will variance the existing south side setback. The north side setback is in conformance with Bill 151-88 since the 2' wide strip shown on the north side of the main property is also owned by J&D Enterprises, Inc.)

- PETITION FOR VARIANCE from Section 203.4.C.6 to permit an existing A.O.S. of zero percent (0%) in lieu of the seven percent (7%) required within the interior of the parking

lot.

- PETITION FOR VARIANCE from Section 203.4.C.8.c.1 to permit an existing landscape buffer of zero (0) feet between the RO use and the adjacent residential zone in lieu of the required twenty (20) feet.
- PETITION FOR VARIANCE from Section 203.4.C.8.c.2 to permit an existing landscape buffer of zero (0) feet between the RO use and adjacent non-residential property in lieu of the required ten (10) feet.

After you have had a chance to review and possibly revise the above drafts, please contact Newton Williams so that he may incorporate the correct verbiage into the petitions. We will coordinate with him to make the necessary revisions to the site plan.

Many thanks for your continued assistance on this project.

Sincerely,
WILLIAM F. KIRWIN, INC.

Robert E. Morelock

REM/pc

cc: Newton Williams, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

October 21, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Zoning Variance and Special Exception
CASE NUMBER: 89-208-XA
NE/S York Road, 155' SE c/l Croftley Road
(1517 York Road)
8th Election District - 4th Councilmanic
Petitioner(s): J & D Enterprises, Inc.
HEARING SCHEDULED: THURSDAY, DECEMBER 8, 1988 at 9:00 a.m.*

Variance to permit an existing A.O.S. of Zero percent in lieu of the required twenty-five percent; to permit a freestanding, double-faced, externally illuminated sign of 25.25 sq. ft. in lieu of the allowed 8 sq. ft.; non-illuminated building sign to permit existing parking within one foot of a future proposed street R/W in lieu of the required ten feet; and to permit nine existing parking spaces in lieu of the required 10 spaces. Special Exception: Class B Office Building (2nd floor addition to Class A Office Building)

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: J & D Enterprises, Inc.
Newton A. Williams, Esq.
File

*NOTE:
IF PHASE II OF THE SMOU
EMERGENCY PLAN IS IN EFFECT
IN BALTIMORE COUNTY BY
9:30 a.m. ON THE DATE OF
THE ABOVE HEARING, SUCH
HEARING WILL BE POSTPONED
AND TENTATIVELY RESCHEDULED
FOR THURSDAY, JANUARY
12, 1989. PLEASE TELEPHONE
DOCKET CLERK AT
494-3391 TO CONFIRM DATE.

This case came on for hearing in the District Court of Maryland in Towson before Judge Boone on December 11, 1985.

The Defendants are owners and occupiers of 1515 York Road, charged with failing to plant screening as per the approved plan and business parking screening. Facts indicate that even though the paved parking lot was screened with shrubs, the Defendants' parking lot encroached approximately 5' into a DK zone, and the Defendants erected barriers on this portion of the DK zone to prevent any commercial vehicles from parking in this zone. In addition, the Defendants erected a suitable parking lot fence to comply with the screening requirement after neighbors on the adjacent lot to the Defendants' lot requested screening for their sides on 1517 and 1513 agreed to the substitution of fencing for shrubs.

Under the circumstances, since the Zoning Inspector, Wayne Flora, was satisfied with full compliance had been accomplished with the site plan, we offered a Stet on condition that the Defendants continue to comply with all of the zoning regulations in an AO zone.

Even though there was a great deal of neighborhood interest, generated in this case, Mr. Flora took the time to explain the procedure we undertook to the neighbors, who seemed to be satisfied.

My file is closed.

EFS:mmn
cc: Zoning Commissioner
cc: Office of Finance

NOTICE OF INTENTION TO STAND TRIAL

86-36-CV CITATIN N NUMBER

TO THE ZONING COMMISSION OF BALTIMORE COUNTY:

I HEREBY ELECT TO STAND TRIAL IN THE DISTRICT COURT OF MARYLAND FOR THE ABOVE CITED VIOLATION. I UNDERSTAND THE DISTRICT COURT WILL NOTIFY ME OF THE DATE AND TIME OF TRIAL, AT THE ADDRESS BELOW.

9/5/85 DATE Donald S. Duffin, Officer
BY DATE

ADDRESS: 1517 York Rd.
Lutherville, Maryland 21093

[illegible]

EFS:mmm
cc: Zoning Commissioner
cc: Office of Finance

NOTICE OF INTENTION TO STAND TRIAL

I, JO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
HEREBY ELECT TO STAND TRIAL IN THE DISTRICT COURT OF MARYLAND FOR
I UNDERSTAND THE DISTRICT COURT WILL NOTIFY ME OF THE DATE AND TIME
BELOW. 9/5/85 Donald
DATE
ADDRESS: 517 York Rd.
Lutherville, Maryland 21093

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PAY TO THE ORDER OF: 1 2 3 4 5 6 7 8 9 0			

This diagram illustrates a proposed road alignment project. Key features include:

- Proposed Road:** A new road segment labeled "PROPOSED 30' W" running horizontally across the middle.
- Existing Infrastructure:** An "EXISTING DRAINAGE CANAL" runs vertically along the left side. Below it, an "EXISTING 30' W" road segment is shown.
- Sanitary Road:** A vertical road labeled "SANITARY RD" is located to the right of the drainage canal.
- Property Line:** A dashed line indicates the "PROPERTY LINE" between the proposed road area and the land to its right.
- Orientation:** A bearing of "N 55° - 24' - 35' W" is indicated for a boundary or road segment on the right.
- Dimensions:** Horizontal distances of "50'" and "60'" are marked at the top.
- Other Labels:** "LOT 10", "LOT 11", "LOT 12", "LOT 13", "LOT 14", "LOT 15", "LOT 16", "LOT 17", "LOT 18", "LOT 19", "LOT 20", "LOT 21", "LOT 22", "LOT 23", "LOT 24", "LOT 25", "LOT 26", "LOT 27", "LOT 28", "LOT 29", "LOT 30", "LOT 31", "LOT 32", "LOT 33", "LOT 34", "LOT 35", "LOT 36", "LOT 37", "LOT 38", "LOT 39", "LOT 40", "LOT 41", "LOT 42", "LOT 43", "LOT 44", "LOT 45", "LOT 46", "LOT 47", "LOT 48", "LOT 49", "LOT 50", "LOT 51", "LOT 52", "LOT 53", "LOT 54", "LOT 55", "LOT 56", "LOT 57", "LOT 58", "LOT 59", "LOT 60", "LOT 61", "LOT 62", "LOT 63", "LOT 64", "LOT 65", "LOT 66", "LOT 67", "LOT 68", "LOT 69", "LOT 70", "LOT 71", "LOT 72", "LOT 73", "LOT 74", "LOT 75", "LOT 76", "LOT 77", "LOT 78", "LOT 79", "LOT 80", "LOT 81", "LOT 82", "LOT 83", "LOT 84", "LOT 85", "LOT 86", "LOT 87", "LOT 88", "LOT 89", "LOT 90", "LOT 91", "LOT 92", "LOT 93", "LOT 94", "LOT 95", "LOT 96", "LOT 97", "LOT 98", "LOT 99", "LOT 100".

10' DRIVEWAY

150' x 100' BLDG

50' DRIVEWAY

30' EASEMENT

EXISTING 30' SAN

PROJECT LINE

EXISTING 30' W

10/1/2011

CITY

10' DRIVEWAY

150' x 100' BLDG

50' DRIVEWAY

30' EASEMENT

EXISTING 30' SAN

PROJECT LINE

EXISTING 30' W

10/1/2011

CITY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
 CHARTERED
 SUITE 1105, HAMPTON PLAZA
 502 EAST JOPPA ROAD
 TOWSON, MARYLAND 21204-3012
 (301) 823-7900
 TELEFAX (301) 296-2765
 OF COUNSEL
 RALPH E. DEITZ
 8026 LIBERTY ROAD
 RANDALSTOWN, MARYLAND 21133
 (301) 922-2121

The Honorable Robert Haines
 Zoning Commissioner
 Office of Planning & Zoning
 County Office Building
 Towson, Maryland 21204

Mr. Carl Richards, Jr.
 Zoning Coordinator
 Office of Planning & Zoning
 County Office Building
 Towson, Maryland 21204

Mrs. Gwen Stephens
 Office of Planning & Zoning
 County Office Building
 Towson, Maryland 21204

Dear Commissioner Haines, Mr. Richards and Mrs. Stephens:

RE: Requested Amendment of the Petition
 for Special Exception and Variances Petition
 for J & D Enterprises, Inc., Item 440

As Gwen will recall, earlier this summer when this matter was filed there were certain open items with regard to the correct variances, etc.

We now believe that we are in a position to accurately state the variances as follows:

1. A special exception for a Class B Office Building second floor addition to Class A Office Building just as filed;
2. Variances as follows:

- a) a variance from Section 203.4 to permit amentity open space of zero percent (0%) in lieu of the required twenty-five percent (25%) (recall that the back of this property is zoned D.R.S.5 and is landscaped, and will remain in green space, if reclassified to R.O. as requested, as well as the fact that this is fully paved Class A site);
- b) a variance from Section 203.3C. to permit a free standing, double faced, externally illuminated sign of

Commissioner Haines, Mr. Richards and Mrs. Stephens
 Page TWO
 August 12, 1988

twenty-five point twenty-five (25.25) square feet in lieu of an eight (8) square foot sign attached to the building;
 c) a variance to confirm an existing setback of one (1) foot from the future, proposed front right of way line in lieu of the required ten (10) feet as required by Section 409.8A.4.;
 d) and finally a variance from Section 409.6 to permit nine (9) existing parking spaces in lieu of the required ten (10) spaces.

As an aid to you in this regard we are enclosing a redone Petition showing these variances, and three (3) copies are enclosed.

Mr. Bill Kirwin and Mr. Bob Morelock of Kirwin and Associates will shortly be filing revised plans.

It will be greatly appreciated if you will carefully check these revised plans, since we are in a position where we are dealing with new parking variances, etc., and of course, we wish to advertise and post the property properly.

Thanking you for your kind attention in this regard, I am,

Sincerely yours,

Newton

Newton A. Williams

NAW/psk
 Enclosure



F. Savings and Loan and Office, at SE/C of York Rd. and Thimble Hill Rd., 1/3 Block south of site

**PETITIONER'S
 EXHIBIT 3C**



H. 1519 York Rd. adjoining site to the west, being converted to office

**PETITIONER'S
 EXHIBIT 3D**



I. 1621, Insurance office - 2 doors north of site on E/S York Rd.



J. 513 York Rd., Real estate office sharing common driveway with subject site at 1515 York Rd.

**PETITIONER'S
 EXHIBIT 3E**



K. 1511 York Rd., one door south of subject site on E/S of York Rd. note downer and bell store

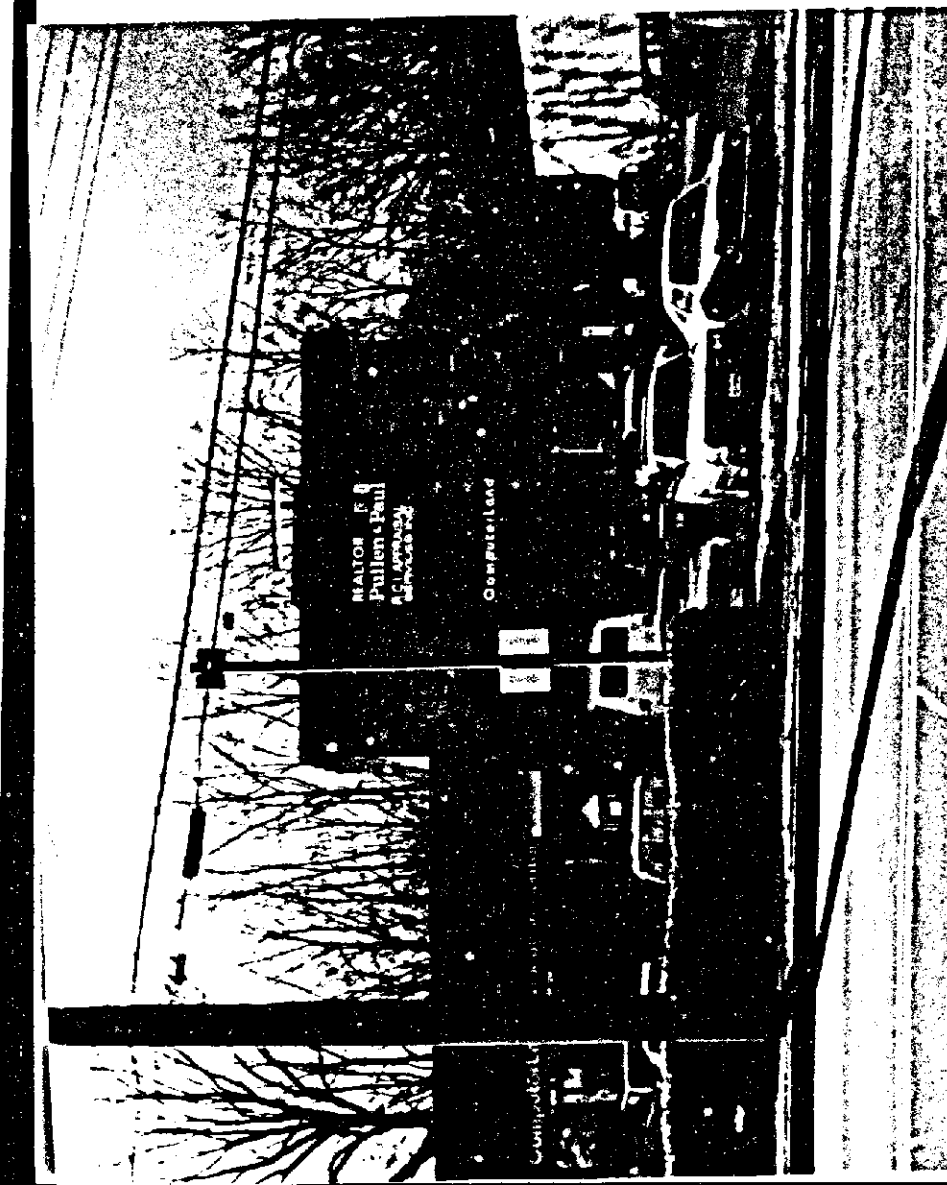


L. York Rd., 2 doors north of N/E/C York Rd. and Thimble Hill Rd.

**PETITIONER'S
 EXHIBIT 3F**

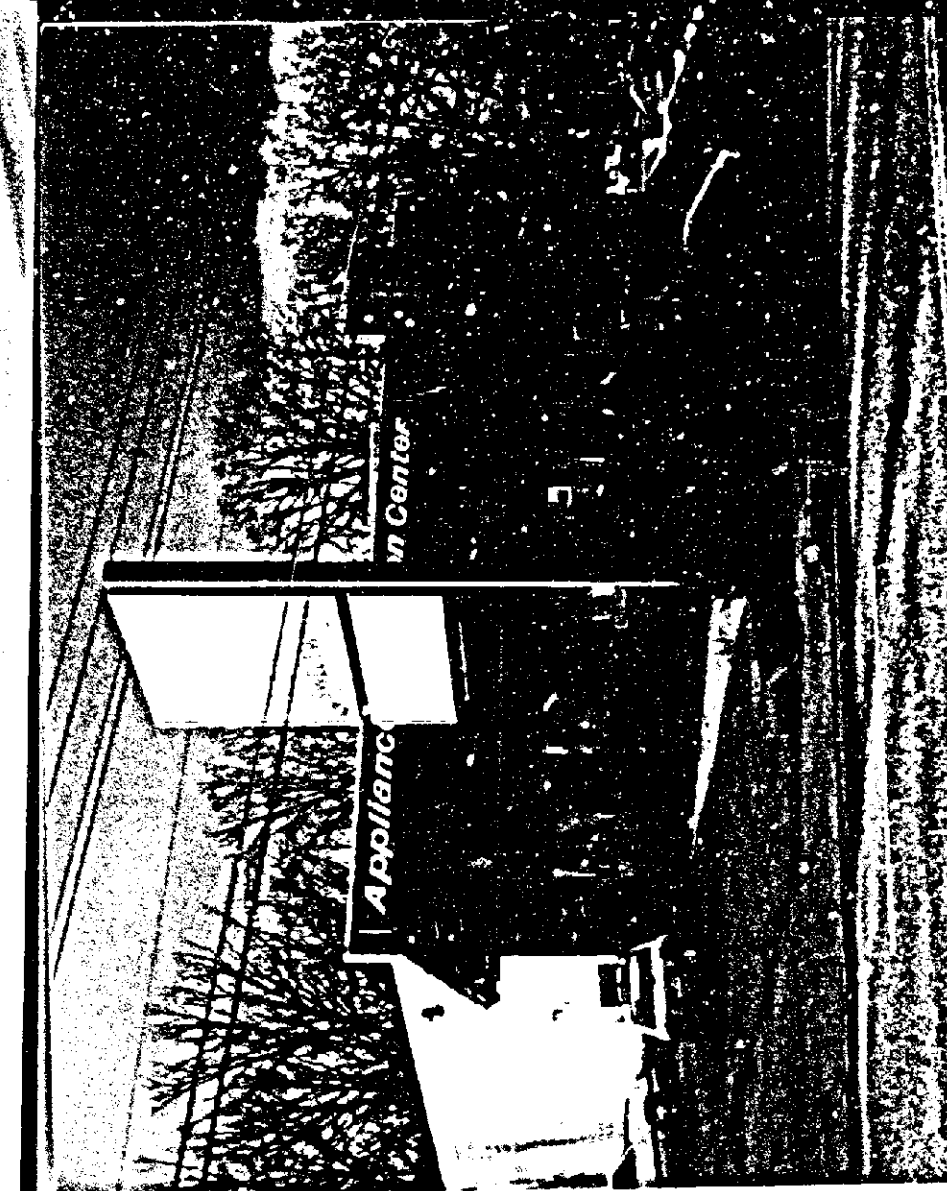


M. Looking N on York Rd. from site, showing existing sign, proposed to be natural and allowing to be supplemented.



N. Part of Shopping Center and Office opposite site on W/S York Rd.

**PETITIONER'S
 EXHIBIT 3B**



O. Opposite store and Pappa Outlets opposite site on W/S York Rd. to N of shopping Center

B. 1517 York Rd., looking N.E. from York Rd.

V & D Enterprises, Inc.
 1517 York Rd.

**PETITIONER'S
 EXHIBIT 3A**





11. Looking South on York Rd. from just
downhill from the Thonell Rd.
and driveway.

**PETITIONER'S
EXHIBIT 3G**



P. Rear of subject site at 1517 York Rd.

**PETITIONER'S
EXHIBIT 3H**



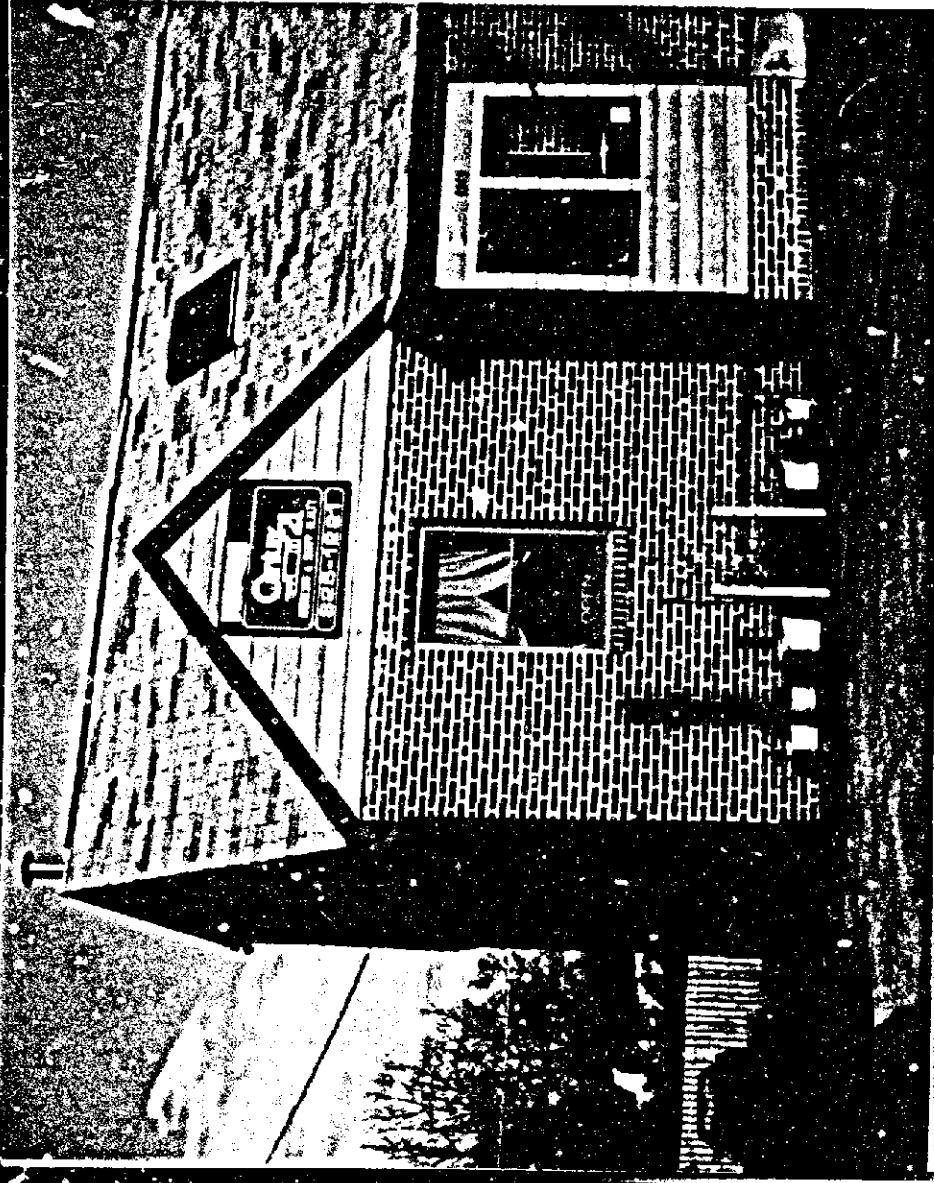
P. Rear of 1519 and 1521 from rear of
subject site.

**PETITIONER'S
EXHIBIT 3I**



T. 1517 York Rd. from front yard
by 1519 York Rd. looking SE

**PETITIONER'S
EXHIBIT 3J**



M. 1515 York Rd. - Rear of site
on shared site.



O. Rear of 1515, Rear of site
on front site



Q. Rear of 1515, 1513 and 1511 from
rear of subject site



S. 1519 York Rd. to North from
subject site



V. Rear of 1517 York Rd., subject site
looking north.

**PETITIONER'S
EXHIBIT 3K**



W. 1515 York Rd. - 5/15 of
joint site looking south
toward Thonell

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
J & D Enterprises, Inc.
SUBJECT: Zoning Petition No. 89-208-XA

Date: February 2, 1989

The applicant is requesting variances and a special exception to establish a Class B office building in an R.O. zone. In reference to this request, staff provides the following information:

- * The petitioner had a CRG hearing in June, 1988 that was continued for site plan revision and stormwater management concerns. The project was heard and approved by CRG on 10/27/88. The project approval pre-dates the revision to the R.O. zone (Bill 151-88).
- * It is recognized that some projects will span the time period for approvals between the CRG and special exception at the time the R.O. legislation was adopted. It will serve no additional purpose to require that this project be resubmitted to CRG through the denial of the special exception.

PK/sf

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FEB 2 1989

89-208-XA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
26th day of October, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: J & D Enterprises, Inc.
Petitioner's Attorney: Newton A. Williams, Esquire
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Dr. H. Reincke
Chief

December 2, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: J & D Enterprises, Inc.

Location: E/S York Rd., 155' N. Croftley Rd.
1517 York Road
Item No.: 440

Zoning Agenda: Meeting of 10/25/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- (x) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Pat Keller* NOTED & APPROVED: *John S. O'Neill*
Planning & Zoning Division Fire Prevention Bureau

* NFPA 30, 1981 Edition, Section 7-8.4.3 attendant's primary function shall be to /J1 supervise, observe & control the dispensing of class I liquids while said liquids are actually being dispensed.

89-208-XA

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 1, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
1105 Hampton Plaza
300 East Joppa Road
Towson, Maryland 21204

RE: Item No. 440 - Case No. 89-208-XA
Petitioner: J & D Enterprises, Inc.
Petition for Special Exception and Zoning Variance

Dear Mr. Williams:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosure

cc: Charles Vaughan Phippen, Architect, P.A.
2305 Pot Spring Rd.
Timonium, MD 21093



**Maryland Department of Transportation
State Highway Administration**

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

October 31, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
1517 York Road
Zoning Meeting
of 10-25-88
E/S York Road (MD 45)
151' North of
Croftley Road
(Item #440)

Attn: Mr. James Dyer

Dear Mr. Haines:

After reviewing the submittal for a Special Exception for a Class B Office Building (2nd floor addition to a Class A Office Building) we find the plan acceptable.

The submittal for a variance to permit a freestanding, double faced, externally illuminated sign of 25.25 square feet in lieu of the allowed 8 square foot non-illuminated building sign has been forwarded to the State Highway Administration - Beautification Section (c/o Morris Stein, 333-1350) for all comments relative to zoning.

If you have any questions, please contact Larry Brocato of this office at 333-1350.

Very truly yours,

John J. Mills, Jr.
John J. Mills, Jr., Chief
Bureau of Engineering
Access Permits

LB:maw

cc: Mr. C. Vaughan Phippen
Mr. J. Ogilvie
Mr. M. Stein (w-attachment)

333-1350

My telephone number is (301)

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
494-3354

October 28, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 440, 58, 102, 128, 144, 145, 147, 150, 151, 153, 154, 155, 156, and 157.

Very truly yours,

Michael S. Planigan
Michael S. Planigan
Engineering Associate

MSF/lw

Dennis F. Rasmussen
County Executive

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NOV 9 1988
ZONING OFFICE

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.
THOMAS J. REINER
WILLIAM R. ENGLEHART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. GUSHAW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
LOUIS G. CLOSE, III
ROBERT C. BARNETT
THOMAS E. ALDERMAN
KERA L. KOSTUN
*ALSO ADMITTED IN D.C.
*ADMITTED TO TEXAS BAR ONLY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

SUITE 1105, HAMPTON PLAZA
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3095

(301) 823-7800
TELEFAX (301) 286-2785

J. EARLE PLUMHOFF
1940-1980
JAMES D. NOLAN
RETIRED 1980
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

February 9, 1989

The Honorable Robert Haines
Zoning Commissioner
Office of Planning & Zoning
County Office Building
Towson, Maryland 21204

Dear Commissioner Haines:

RE: J & D Enterprises
Case No.: 89-208-XA
Requested Special Exception
for Class B Conversion of existing
Class Office at 1517 York Road, as
well as various Variances

At the outset, both of my clients, as well as our experts wish to thank you for the advice extended to us with regards to certain parts of this request during the hearing.

Confirming what I promised Mr. Brooks, should you be disposed to grant the requested sign variance for the existing sign, Mr. Brooks would appreciate the inclusion of a specific condition that the sign is not to be enlarged beyond its present square footage, is not to be internally illuminated, and is to be properly maintained.

Finally, as the evidence showed during the case, this is an existing very historic Class A office site, which merely wishes to add a second floor similar to all of the other houses in that block.

At the present time we are diligently exploring a way to bring the floor area within the 0.33 permitted by the new R.O. legislation, and thus we may very well be dropping Variance No. 8 requested, namely, a variance as to the floor area ratio from 0.33 to 0.378.

Enclosed copies of this letter and the proposed decision are being sent to the County Executive's Office for his review and comment. We will be glad to answer any questions of any and all parties involved. With best regards to all, and our thanks for the courtesy of all concerned, I am -

Respectfully,
Newton A. Williams
Newton A. Williams

NAW/psk

Enclosure

cc: Charles E. Brooks, Esquire
Phyllis Cole Friedman, Esquire
Mr. Donald Diffenderfer
Mr. Robert Morelock
Mr. Charles Vaughan Phippen

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ZONING OFFICE

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

SUITE 1105, HAMPTON PLAZA
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3095

(301) 823-7800
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JAMES D. NOLAN
RETIRED 1980
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

March 14, 1989

Honorable J. Robert Haines, Esquire
Baltimore County Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: J & D Enterprises, Inc.
Case No. 89-208-XA
Requested Relief to Convert 1517 York
Road into a Class B Office Building,
Existing, Class A Office Site,
Installed Prior to the R0 Zoning
Regulations

Dear Commissioner Haines:

As you will recall at the hearing on February 3, 1989, in the above-entitled case, there was some discussion about the minor floor area ratio variance requested, namely, 0.378 for 0.33 in order to add a full second floor, similar to other converted offices in the 1500 block.

Since the morning of the hearing, we have checked with former Zoning Commissioner Arnold Jablon, now the County Attorney, and it is his recollection, that such area, F.A.R. variances have been granted. We are presently searching for such cases.

Furthermore, I discussed the matter with former Zoning

Honorable J. Robert Haines, Esquire
Baltimore County Zoning Commissioner
March 14, 1989
Page Two

Commissioner Eric S. DiNenna, and there is no question in his mind that such have been previously granted, and that it is an area variance.

Also, I spoke with Mr. Pat Keller, and if I understood Mr. Keller correctly, he stated that the position of the Office of Planning and Zoning would be that in a case like this where Mr. Diffenderfer had previously filed for relief, (and was caught by the change in the law, namely, Bill No. 151-88), that the Office of Planning and Zoning would not oppose the conclusion of such case pursuant to the earlier relief requested; provided, the Commissioner was of the opinion that we had proven a proper variance case with practical difficulty and unreasonable hardship.

Furthermore, I spoke with Deputy Peoples Counsel, Peter Zimmerman, Esquire, and he stated that in a preliminary way, he was of the opinion that it was permissible. However, he asked me, and I am presently researching the matter in several zoning authorities.

Subject to further research, I would respectfully point out that in Bill 151-88, the floor area ratio is found under Section 205.4C5, and that it is specifically identified, that is, Section 205.4, as bulk regulations for the 0-2 Zone. The F.A.R. is not classified among the uses permissible.

Furthermore, both Mr. Jablon and Mr. DiNenna both stated that in their opinion it is an area regulation, and hence, variances under Section 307 of the regulations. Once again, in the official summary sheet prepared by the Office of Planning and Zoning entitled R-0 at a Glance, County Council Bill No. 151-88, it is classified as revised bulk regulations.

As requested by Mr. Zimmerman, we are researching the matter in several authorities, and we will shortly be in touch with all parties concerned, but based upon all of the evidence, and all of the foregoing points, there is no doubt in our mind that it is, indeed, a bulk or area regulation which can be variances under Section 307, and other applicable provisions of the Baltimore County Zoning Regulations.

Thanking you and everyone involved for your kind attention to this matter, and asking that the requested F.A.R. variance be granted as requested, I am -

Respectfully,

Newton A. Williams
Newton A. Williams

NAW:med

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MAR 17 1989
ZONING OFFICE

Honorable J. Robert Haines, Esquire
Baltimore County Zoning Commissioner
March 14, 1989
Page Three

C.C.S. Honorable Phyllis Friedman, Esquire
People's Counsel
Honorable Peter Zimmerman, Esquire
Deputy People's Counsel
Mr. Pat Keller
Deputy Director of Planning
Arnold Jablon, Esquire
County Attorney
S. Eric DiNenna, Esquire
Mr. Robert Morelock
c/o William S. Kirwin & Associates
Charles Vaughn Phippen, AIA
Mr. Donald Diffenderfer
Nationwide Pest and Termite Control, Inc.
1517 York Road
Lutherville, Maryland 21093

P.S. to Commissioner Haines and all addressees:

A preliminary check of the authorities seems favorable as follows:

1. Zoning Law and Practice, Yokley 3rd Edition, at p. 17.9 lists minimum floor area requirements among area and height requirements; but the cases cited therein, seem to discuss whether or not a municipality has the right to impose such minimum floor area requirements, as for instance, in apartment or residential districts, rather than whether or not it is an area regulation that can be variances.

2. Similarly, American Law of Zoning, 2nd Edition, by Robert M. Anderson, in Section 16.11 defines bulk as "the term used to describe the size of buildings or other structures and their relationship to each other and open area and lot lines, and therefore includes:

"a. The size...of buildings or other structures, and
b. The area of the zoning lot upon which a residential building is located..."

The same source in the same Section defines floor area in very technical terms, without reference to the fact whether it is or is not a bulk regulation, but of course, it would appear to be so.

Respectfully,

NAW.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 29, 1989

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
1105 Hampton Plaza
300 E. Joppa Road
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
NE/S York Road, 155' +/- SE of the c/l of Croftley Road
(1517 York Road)
8th Election District - 4th Councilmanic District
J & D Enterprises, Inc. - Petitioners
Case No. 89-208-XA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjjs

cc: Mr. A. Kenneth Hutcherson
10 Croftley Road, Timonium, Md. 21093

Mr. J. Louis Johnson, III
1533 Hickert Road, Timonium, Md. 21093

Mrs. Kenneth Kleiber
7 Croftley Road, Timonium, Md. 21093

Mr. Edward A. Cockey
8 Croftley Road, Timonium, Md. 21093

People's Counsel, File



Dennis F. Rasmussen
County Executive

cc: Case Files